

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Besdin	Team: Team # 5	CCRB Case #: 200808476	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/11/2008 8:00 PM	Location of Incident: Tennis Court and Ocean Avenue	18 Mo. SOL 12/11/2009	Precinct: 70		
Date/Time CV Reported Fri, 06/13/2008 3:26 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/13/2008 3:26 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Howard Slade	01164	940744	070 PCT
2. POM Leonard Clarke	27183	940013	070 PCT
3. An officer			070 PCT
4. SGT Edmund Small	01474	920846	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM James Seery	04544	931985	070 PCT
2. POM Steven Gordon	11234	934951	070 PCT
3. POM Albert Lloyd	01200	936963	070 PCT
4. POM Thomas Gugliucci	20705	940225	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Leonard Clarke	Abuse: At the intersection of Tennis Court and Ocean Avenue in Brooklyn, PO Leonard Clarke stopped the car in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Leonard Clarke	Abuse: At the intersection of Tennis Court and Ocean Avenue in Brooklyn, PO Leonard Clarke searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.POM Howard Slade	Abuse: At the intersection of Tennis Court and Ocean Avenue in Brooklyn, PO Howard Slade searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	

Officer(s)	Allegation	Investigator Recommendation
D.POM Leonard Clarke	Discourtesy: At the intersection of Tennis Court and Ocean Avenue in Brooklyn, PO Leonard Clarke spoke obscenely and/or rudely to § 87(2)(b)	
E.SGT Edmund Small	Abuse: Inside of the 70th Precinct stationhouse, Sergeant Edmund Small authorized the strip-searches of § 87(2)(b) and § 87(2)(b)	
F. An officer	Discourtesy: Inside of the 70th Precinct stationhouse, an officer spoke obscenely and/or rudely to § 87(2)(b)	
G. An officer	Force: Inside of the 70th Precinct stationhouse, an officer used physical force against § 87(2)(b)	
§ 87(4-b) § 87(2)(g)	§ 87(4-b) § 87(2)(g)	

Case Summary

§ 87(2)(b) who did not witness the incident, and § 87(2)(b) filed this complaint by telephone with the CCRB on June 13, 2008 (encl. 4A-C).

On June 11, 2008, at approximately 8:00 p.m., a vehicle occupied by § 87(2)(b) and § 87(2)(b) was stopped by PO Howard Slade and PO Leonard Clarke in the vicinity of Tennis Court and Ocean Avenue in Brooklyn. § 87(2)(b) and § 87(2)(b) were subsequently placed under arrest by PO Slade for § 87(2)(b) in the fifth degree. The following allegations resulted from the officers' actions:

- **Allegation A – Abuse of Authority:** At the intersection of Ocean Avenue and Tennis Court in Brooklyn, PO Leonard Clarke stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants. § 87(2)(g)
- **Allegations B and C – Abuse of Authority:** At the intersection of Ocean Avenue and Tennis Court in Brooklyn, PO Leonard Clarke and PO Howard Slade searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants. § 87(2)(g)
- **Allegation D – Discourtesy:** At the intersection of Ocean Avenue and Tennis Court in Brooklyn, PO Leonard Clarke spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(g)
- **Allegation E – Abuse of Authority:** Inside of the 70th Precinct stationhouse, SGT Edmund Small authorized the strip-searches of § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(g)
- **Allegation F – Discourtesy:** Inside of the 70th Precinct stationhouse, an officer spoke obscenely and/or rudely to § 87(2)(b) **Allegation G – Force:** Inside of the 70th Precinct stationhouse, an officer used physical force against § 87(2)(b) § 87(2)(g)
- § 87(4-b) § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b) § 87(2)(b) is a § 87(2)(b) year-old black male who is 6'3" tall, weighing 158 pounds, with brown hair and brown eyes. § 87(2)(b)

CCRB Testimony

On September 25, 2008, § 87(2)(b) was interviewed at the CCRB (encl. 5A-F). On June 11, 2008, at approximately 8:00 p.m., § 87(2)(b) was driving his vehicle with his friends § 87(2)(b) and § 87(2)(b) when their vehicle was pulled over by a marked police vehicle at the intersection of Tennis Court and Ocean Avenue in Brooklyn. PO Clarke drove the vehicle with PO Slade in the passenger seat.

As PO Clarke approached § 87(2)(b)'s vehicle, he said that he smelled marijuana and requested that everyone exit the vehicle. PO Clarke said that they were being stopped because he smelled marijuana. The window on the driver side of § 87(2)(b)'s vehicle does not work. PO Clarke told PO Slade to check § 87(2)(b)'s vehicle. § 87(2)(b) initially stated that he gave PO Clarke permission to search his car, but then stated that he did not consent. PO Clarke reached into the driver-side door of § 87(2)(b)'s vehicle; but § 87(2)(b) could not see what he did inside the vehicle. PO Clarke asked them all if they had marijuana, which everyone denied. All of the occupants of the vehicle were searched. PO Clarke told them all that they would go to jail if they were lying. § 87(2)(b) could not see which officer searched which individual. Marijuana was found on an unknown location on § 87(2)(b). In his initial complaint, § 87(2)(b) said that § 87(2)(b) gave the marijuana to the officers and that his vehicle was searched only after this point. § 87(2)(b) lied to the officers, telling them that he was twelve when he was really § 87(2)(b). § 87(2)(b) was later told that half a pound of "marijuana residue" was found in his vehicle. Everyone was handcuffed. PO Clarke told § 87(2)(b) to "Shut the fuck up" throughout the incident.

§ 87(2)(b) was strip-searched in a private bathroom at the 70th Precinct stationhouse by the unidentified white male officer. As § 87(2)(b) was strip-searched, an unidentified black male officer said, "You want to fucking lie about your age? Go in there and strip-search him right now." The same officer also strip-searched § 87(2)(b). The unidentified black male officer said, "Fuck that, make him squat ten times if he wanna lie." § 87(2)(b) was strip-searched in a private area which could not be viewed from the outside, but § 87(2)(b) and his friends were able to hear and see the unidentified black male officer make the above statements from the holding cell.

After the strip-search, the unidentified black male officer said to § 87(2)(b) "You want to lie about your fucking age? Get your ass in the cell". This officer was cursing a lot at this point and § 87(2)(b) could not recall his exact statements. The unidentified black male officer pushed § 87(2)(b) in his upper back with one hand, and then kicked him on his buttocks. § 87(2)(b) who was not handcuffed at this point, was crying. Two Hispanic males in their forties and one Hispanic female who looked to be in her forties or fifties were in the holding cells at this time.

Victim: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b) year-old black male who is 6' tall, weighing 150 pounds, with black hair and brown eyes. § 87(2)(b)

CCRB Testimony

On September 25, 2008, § 87(2)(b) was interviewed at the CCRB (encl. 6A-E). § 87(2)(g) initially confirmed § 87(2)(b)'s statement that PO Clarke immediately said that they were stopped because he smelled marijuana, but later said that PO Clarke did not make this statement until after marijuana was found on § 87(2)(b). § 87(2)(b) was inconsistent regarding who searched the vehicle, first saying that he did not recall who did this,

then saying that PO Slade searched the vehicle, and later saying that PO Clarke did so. § 87(2)(b) initially said that he did not know who searched the trunk but later said that PO Clarke searched the trunk.

PO Clarke asked everyone if they had marijuana and told them that if they did, he would give them tickets and release them. § 87(2)(b) admitted to having marijuana and gave it to PO Clarke. § 87(2)(b) later stated that everyone was frisked, and that only after § 87(2)(b) produced marijuana was everyone searched. § 87(2)(b) said that PO Clarke always uses profanity, using, "Shut up, man," as an example of such profanity, but did not recall specific discourteous statements during this incident. § 87(2)(b) said that one of the two unidentified white male plainclothes officers who responded later in the incident searched § 87(2)(b)'s vehicle again before they were transported.

§ 87(2)(b) stated that two to three officers were present for his strip-search, including PO Clarke and possibly one of the two unidentified plainclothes officer who responded to the location. When § 87(2)(b) was strip-searched, an unidentified black male officer dressed in plainclothes told § 87(2)(b) to squat ten times. Three to four officers were watching and laughing at § 87(2)(b). § 87(2)(b) was inconsistent as to whether PO Clarke and/or PO Slade were present for this. Afterward, the unidentified black male officer placed him in the holding cell and kicked him in his buttocks. § 87(2)(b) initially said that this officer pushed him as well, but later said that he did not recall if he made any contact with § 87(2)(b) other than the kick.

Victim: § 87(2)(b)

A letter was mailed to § 87(2)(b) on July 8, 2008. A voicemail was left for § 87(2)(b) on July 30, 2007. § 87(2)(b) called the investigator on July 30, 2007; he stated that he was in Texas and was directed to mail a notarized statement to the CCRB. Four voicemails were left for § 87(2)(b) between August 15, 2007, and August 25, 2007, and a second letter was mailed to him on August 21, 2007. As of the date of this report, § 87(2)(b) has made no further attempts to contact the CCRB and no notarized statement has been received from him.

Victim: § 87(2)(b)

Letters were mailed to § 87(2)(b) on July 8, 2008, and August 21, 2008. No telephone number was provided for § 87(2)(b) in the initial complaint; a Lexis-Nexis search yielded a possible telephone number for him. The investigator called this number on July 17, 2008, and July 30, 2008, but the number was not in service. A voicemail was received from § 87(2)(b) on September 2, 2008; on the same date, the investigator left a voicemail for § 87(2)(b) at the number he provided in his voicemail. On November 7, 2008, the investigator called § 87(2)(b) at the number he provided; the answerer said that he would have § 87(2)(b) call but that this was not § 87(2)(b)'s telephone number. As the date of this report, § 87(2)(b) has made no further attempts to contact the investigator.

Witness: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-old white male.

CCRB Testimony

On November 10, 2008, § 87(2)(b) provided the following testimony via telephone (encl. 6F). He did not recall the incident prior to being provided with details of the incident. When asked whether § 87(2)(b), § 87(2)(b), and § 87(2)(b) were strip-searched, § 87(2)(b) confirmed that they were. He confirmed that one individual looked younger, identified as § 87(2)(b) but did not recall him being told to squat more than once or any unusual aspect of his strip-search. § 87(2)(b) did not see any officer kick or push any of

these individuals. When asked, § 87(2)(b) said that the officers were cursing but did not recall specific statements, thinking they possibly said "fuck" or said "get your ass back." § 87(2)(b) confirmed recalling discussion of § 87(2)(b) lying about his age, and said that an unidentified white male uniformed officer said, "Don't lie about your fucking age," to him.

NYPD Statements

Subject Officer: PO HOWARD SLADE

- § 87(2)(b) year-old black male, 6' tall, weighing 155 pounds, with black hair and brown eyes.
- On the date of the incident was assigned to 70th Precinct conditions. He worked from 12:00 p.m. to 8:35 p.m. with PO Howard Slade in uniform and in a marked patrol car.

Memo Book

PO Slade's memo book was consistent with his CCRB statement and noted "no seatbelt" as the reason for the initial vehicle stop (encl. 7A-C).

Arrest Paperwork

PO Slade completed on-line booking system sheets with regard to the arrests of § 87(2)(b) and § 87(2)(b) all of which state "at tpo defendant was observed with marijuana in a car during a SNEU operation" (encl. 8A-I).

CCRB Testimony

On December 4, 2008, PO Howard Slade was interviewed at the CCRB (encl. 9A-C). On June 11, 2008, at 7:45 p.m., PO Slade was driving southbound with PO Clarke, who was the operator, when PO Clarke noticed that the driver of the vehicle, identified as § 87(2)(b) was not wearing a seatbelt. PO Clarke pointed this out to PO Slade, who saw it as well. The vehicle was pulled over. PO Slade saw movement in the backseat when they pulled over the vehicle—the occupants shifted their weight in a way which made PO Slade proceed with more caution. He did not discuss this with PO Clarke.

PO Clarke approached the driver's side and PO Slade approached the passenger side. § 87(2)(b) was not wearing his seatbelt. PO Clarke gave PO Slade a look, and PO Slade smelled marijuana and saw a couple of clear Ziplock bags of marijuana on the passenger-side floor of the vehicle. Everyone was removed from the vehicle. PO Slade and PO Clarke searched everyone, recovering nothing. After everyone was handcuffed, PO Slade and PO Clarke made the decision to search the vehicle, and searched all of the areas that had been occupied. PO Slade denied searching the trunk or glove compartment and did not know if PO Clarke did so. More bags of marijuana were on the floor of the vehicle in the backseat. PO Slade did not recall anyone verbally consenting to the search of the vehicle.

A supervisor, identified as Sergeant Edmund Small, responded, along with other officers whose identities PO Slade could not recall. Everyone was transported to the stationhouse.

When § 87(2)(b)'s parents were notified of his arrest, they told him that he was in fact not a minor. PO Slade removed § 87(2)(b) from the juvenile room and took him to the adult holding cells.

PO Slade did not have further interaction with these individuals. PO Slade did not ever learn that any of these individuals were strip-searched and did not observe any indication that any of them were concealing contraband on their person. He did not witness any interactions between § 87(2)(b) and any of the arrested individuals in the stationhouse. He denied hearing any officer use profanity at any point. PO Clarke never mentioned any previous interaction with any of these individuals.

Subject Officer: PO LEONARD CLARKE

- § 87(2)(b) year-old black male, height 5'11" tall, weight 300 pounds, black hair and brown eyes.
- On the date of the incident was assigned to 70th Precinct conditions. He worked from 12:00 p.m. to 8:35 p.m. with PO Howard Slade in uniform and in a marked patrol car.

Memo Book

PO Clarke's memo book from 7:40 p.m. on June 11, 2008, notes a car stop at Ocean Avenue and Tennis Court in Brooklyn and that PO Slade arrested four individuals (encl. 10A).

CCRB Testimony

On December 6, 2009, PO Leonard Clarke was interviewed at the CCRB (encl. 11A-C). June 11, 2008, at approximately 8:00 p.m., PO Clarke was with PO Howard Slade, driving Northbound on Ocean Avenue in Brooklyn when he witnessed a Northbound-traveling vehicle commit a traffic infraction which PO Clarke did not recall, possibly running a red light. PO Clarke made the decision to pull over the vehicle. PO Clarke smelled marijuana as soon as he exited his vehicle. PO Clarke asked the driver, identified as § 87(2)(b) to roll down the windows, and after they did so, he smelled a stronger odor of marijuana. PO Clarke and PO Slade mutually decided to have § 87(2)(b) and the other occupants, identified as § 87(2)(b), and § 87(2)(b) exit the vehicle. PO Clarke initially said that at this point, all of the occupants were frisked due to the smell of marijuana. PO Clarke thought that he personally frisked all of the occupants but was uncertain. A bulge in § 87(2)(b)'s groin area was felt which PO Clarke believed could be a gun; this bulge was determined to be a cell phone clip, and next to the cell phone clip was a bag of marijuana. PO Clarke first said that everyone was searched for weapons without being frisked but then said that everyone was frisked and that he only entered pockets if a hard object was felt—he did not recall if this occurred on this occasion but thought that it did not. PO Clarke later stated that marijuana was found on § 87(2)(b) only after they were placed under arrest and handcuffed.

PO Clarke and PO Slade made a mutual decision to search the vehicle based on the smell of marijuana. PO Slade searched the lungeable areas of the vehicle, but not the trunk, and found marijuana and glassine envelopes in an unknown area of the backseat. PO Clarke did not participate in the search. PO Clarke later stated that he did not recall if marijuana was first found in the vehicle or on § 87(2)(b)'s person.

PO Clarke described the occupants as "real suspicious" and "jittery" due to their general defensiveness, and the driver's hesitance to roll down the window and produce identification.

All of the individuals were placed under arrest. A supervisor, identified as Sergeant Edmund Small, came and verified the arrests, and all of the individuals were transported to the precinct. PO Clarke denied that they were strip-searched but said that there was reason to believe they were concealing contraband on their bodies because of the marijuana found in § 87(2)(b)'s groin area and because "drug dealers usually hide stuff on their body."

§ 87(2)(b) initially said that he was fourteen, but at the stationhouse, the officers found out that he was § 87(2)(b) after notifying his parents; PO Clarke did not personally discuss this with § 87(2)(b).

PO Clarke denied that he used profanity. He denied that he witnessed § 87(2)(b) interact with anyone other than himself or PO Slade at the stationhouse. PO Clarke stated that § 87(2)(b) is a known drug dealer who usually deals marijuana, and he believed that he had arrested another individual in the vehicle previously. When presented with § 87(2)(b)'s arrest photograph, PO Clarke stated that he recognized § 87(2)(b) as a "known drug dealer" in the area.

Subject Officer: SGT EDMUND SMALL

- § 87(2)(b) year-old black male, 5'11" tall, weighing 200 pounds, bald with brown hair.
- On the date of the incident, worked as SNEU supervisor from 12:00 p.m. to 8:57 p.m. He did not recall if he was dressed in uniform, if his vehicle was marked, or his partner(s).

CCRB Testimony

On October 20, 2009, SGT Small was interviewed at the CCRB (encl. 14A-B). SGT Small had no memo book entries concerning the incident. On June 11, 2008, at approximately 8:00 p.m., SGT Small's presence at Tennis Court and Ocean Avenue in Brooklyn was requested over the radio regarding a car stop. When he arrived, four individuals, identified as § 87(2)(b) and § 87(2)(b) were handcuffed. SGT Small was told that they had been smoking marijuana and that marijuana had been found on their persons, but did not recall specifically where. SGT Small thought that the vehicle was searched and said that he would have been responsible for authorizing such a search. SGT Small returned to the stationhouse and remained there for approximately fifteen minutes to half an hour. He denied that any of these individuals were strip-searched and stated that he would have been responsible for authorizing their strip-searches. § 87(2)(b) initially lied about his age; SGT Small thought he discussed this with him but did not recall the conversation. SGT Small denied using profanity or hearing any other officer do so; he denied using physical force against § 87(2)(b) or seeing any officer do so. SGT Small testified that of the officers on his SNEU team, only PO Gordon and PO Gugliucci have tattoos.

Witness Officer: PO THOMAS GUGLIUCCI

- § 87(2)(b) year-old white male, 6'3" tall, weighing 230 pounds, with brown hair and brown eyes.
- On the date of the incident, worked from 12:00 p.m. to 8:35 p.m. and was assigned to SNEU. He was dressed in uniform and assigned to a vehicle—he did not know who is partner was or whether his vehicle was marked or unmarked.

CCRB Testimony

On October 28, 2009, PO Gugliucci was interviewed at the CCRB (encl. 15B-C). PO Gugliucci's memo book from the date of the incident only noted the beginning and end of his tour (encl. 15A). PO Gugliucci did not recall the incident despite being presented with police documentation, details of the incident, and photographs of § 87(2)(b) and § 87(2)(b). PO Gugliucci has no prior knowledge of any of the victims in this case. PO Gugliucci has no tattoos on his forearms.

Witness Officer: PO ALBERT LLOYD

- § 87(2)(b) year-old black male, 5'6" tall, weighing 165 pounds, with black hair and brown eyes.
- On the date of the incident, worked from 12:00 p.m. to 8:35 p.m. and was assigned to SNEU. He was dressed in plainclothes and assigned to a vehicle—he did not know who his partner was or whether his vehicle was marked or unmarked.

CCRB Testimony

On October 29, 2009, PO Lloyd was interviewed at the CCRB (encl. 16A-B). PO Lloyd had no memo book entries concerning the incident. PO Lloyd did not recall the incident despite

being presented with police documentation, details of the incident, and photographs of § 87(2)(b) and § 87(2)(b) PO Lloyd has no prior knowledge of any of the victims in this case.

Witness Officer: PO STEVEN GORDON

- § 87(2)(b) year-old white male, 6'3" tall, weighing 200 pounds, bald with brown eyes.
- On the date of the incident, worked from 12:00 p.m. to 8:35 p.m. and was assigned to SNEU. He did not recall his partner, whether he was dressed in uniform, or whether he was assigned to a marked motor vehicle.

CCRB Testimony

On October 29, 2009, PO Gordon was interviewed at the CCRB (encl. 13A-B). PO Gordon had no memo book entries concerning the incident (encl. 12A-B). PO Gordon did not recall the incident despite being presented with a copy of the 70th Precinct roll call from the date of the incident, details of the incident, and photographs of § 87(2)(b) and § 87(2)(b) PO Gordon has no prior knowledge of any of the victims in this case. PO Gordon has the following tattoos: writing on his right forearm, and an angel on his left forearm. He testified that PO Seery has no tattoos.

NYPD Documents

SPRINT

No SPRINT report connected to this incident could be located (encl. 21H).

Command Log

The command log entries for the arrests of § 87(2)(b) and § 87(2)(b) were completed at 8:41 p.m. on June 11, 2008. These entries note that PO Slade is the arresting officer and do not note strip-searches (encl. 17F).

Roll Call

According to the 70th Precinct tour 3 roll call from June 11, 2008, PO Howard Slade and PO Leonard Clarke's assignments were "hot spot" and they worked in vehicle 1936 from 12:30 p.m. to 9:05 p.m. (encl. 17K-W).

Disposition of Summons/Arrest for Incident

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilans CCRB History

- [§ 87(2)(b)] and [§ 87(2)(b)] are listed as victims in the following CCRB complaints (encl. 3A-B):
 - [§ 87(2)(b)]
- [§ 87(2)(b)] is listed as a victim in the following CCRB complaint (encl. 3C):
 - [§ 87(2)(b)]
- This is the first CCRB complaint in which [§ 87(2)(b)] is listed as a victim (encl. 3D).

Subject Officers CCRB History

- PO Leonard Clarke has been a member of the service for three years and has three substantiated CCRB allegations against him (encl. 2C-D).
 - In CCRB case number 200717254, in which PO Clarke alleged that he stopped a vehicle because an occupant was not wearing a seatbelt, the vehicle stop allegation was substantiated against PO Clarke, in addition to allegations of excessive physical force and vehicle search. The recommended discipline was charges, and the NYPD imposed a Command Discipline – B.
- PO Howard Slade has been a member of the service for three years and has no substantiated CCRB allegations against him (encl. 2B).
- Sergeant Edmund Small has been a member of the service for eleven years and has had no substantiated CCRB allegations against him (encl. 2A).
- [§ 87(2)(g)]

Conclusions and Recommendations

Identification of Subject Officers

- Officer Leonard Clarke acknowledged that he interacted with [§ 87(2)(b)] [§ 87(2)(b)] and [§ 87(2)(b)]
- Officer Howard Slade acknowledged that he interacted with [§ 87(2)(b)] [§ 87(2)(b)] and [§ 87(2)(b)]
- Sergeant Edmund Small acknowledged that he interacted with [§ 87(2)(b)] [§ 87(2)(b)] and [§ 87(2)(b)] He further testified that he would have been responsible for authorizing the strip-searches of [§ 87(2)(b)] [§ 87(2)(b)] and [§ 87(2)(b)] [§ 87(2)(g)]
- [§ 87(2)(g)]

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: At the intersection of Tennis Court and Ocean Avenue in Brooklyn, PO Leonard Clarke stopped the vehicle in which [§ 87(2)(b)] [§ 87(2)(b)] and [§ 87(2)(b)] were occupants:

PO Clarke took responsibility for the decision to stop the vehicle. He stated that he observed a traffic infraction, but did not recall the specific infraction, though he thought it might have been that the vehicle ran a red light. PO Slade stated that PO Clarke noticed that § 87(2)(b) was not wearing a seatbelt, which was the basis for the vehicle stop. “No seatbelt” is noted in PO Slade’s memo book as the reason for the stop. None of the civilians interviewed specified whether they were wearing seatbelts. § 87(2)(g)

Allegation B: Abuse of Authority - At the intersection of Tennis Court and Ocean Avenue in Brooklyn, PO Leonard Clarke searched the vehicle in which § 87(2)(b) § 87(2)(b)

and § 87(2)(b) were occupants:

Allegation C: Abuse of Authority - At the intersection of Tennis Court and Ocean Avenue in Brooklyn, PO Howard Slade searched the vehicle in which § 87(2)(b) § 87(2)(b)

and § 87(2)(b) were occupants:

§ 87(2)(b) alleged that PO Clarke searched his vehicle. He initially said that he consented to the search of his vehicle, but later said that he did not. § 87(2)(b) was inconsistent regarding whether PO Clarke or PO Slade searched his vehicle. PO Slade said that he and PO Clarke searched the vehicle, and PO Clarke said that only PO Slade searched the vehicle. PO Slade and PO Clarke both stated that they searched the vehicle due to the smell of marijuana. § 87(2)(g)

§ 87(2)(b) Kamins: “If the officer smells the distinctive odor of drugs, he would also have probable cause to search the entire vehicle” (encl. A). § 87(2)(g)

Allegation D - Discourtesy: At the intersection of Tennis Court and Ocean Avenue in Brooklyn, PO Leonard Clarke spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(b) alleged that PO Clarke told him to “shut the fuck up” repeatedly throughout the incident. § 87(2)(b) said that PO Clarke “always” uses profanity but provided “shut up” as an example of such profanity. PO Clarke denied using profanity and PO Slade denied hearing him do so. § 87(2)(g)

Allegation E: Inside of the 70th Precinct stationhouse, Sergeant Edmund Small authorized the strip-searches of § 87(2)(b) § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that they, along with § 87(2)(b) and § 87(2)(b) were strip-searched following their arrests. § 87(2)(b) § 87(2)(g) confirmed that they were strip-searched but provided only a brief telephone statement, § 87(2)(g)

§ 87(2)(b) SGT Small stated that he would have been responsible for authorizing such a strip-search and denied that one occurred. No strip-search is documented in the command log entries for any of these arrests. According to Patrol Guide Procedure 208-05 (encl. B-D), a strip-search is appropriate “when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods.” § 87(2)(g)

§ 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Allegation F: Inside of the 70th Precinct stationhouse , an officer spoke obscenely and/or rudely to § 87(2)(b)

Allegation G: Inside of the 70th Precinct stationhouse , an officer used physical force against

§ 87(2)(b)
§ 87(2)(b) alleged that an unidentified officer used profanity towards § 87(2)(b) and pushed and kicked him; § 87(2)(b) alleged that § 87(2)(b) was pushed but did not corroborate the use of profanity towards him and was inconsistent regarding whether or not he was kicked. § 87(2)(g)
[Redacted]
[Redacted]
[Redacted]

§ 87(4-b) § 87(2)(g)
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Team: _____

:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

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